

Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 PA-01 SP-02 SS-15 NSCE-00 SSO-00
USIE-00 INRE-00 SAB-02 TRSE-00 EB-08 OES-07
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FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC NIACT IMMEDIATE 6836
INFO AMEMBASSY PANAMA

CONFIDENTIAL SECTION 1 OF 2 BOGOTA 2335
CORRECTED COPY (GARBLED PARA 3 SUB PARA 2)
FOR DAVID COX ARA/AND
E.O. 11652: GDS
TAGS: PBOR, PN, CO
SUBJECT: EFFECT OF PANAMA CANAL TREATIES ON 1914 THOMSON-
URRUTIA TREATY

REF: STATE 054438

1. ON MARCH 6, THE EMBASSY PRESENTED IN DRAFT THE TEXT OF THE
NOTE CONTAINED IN REFTEL TO THE FOREIGN MINISTRY. THAT AFTERNOON
COLONEL LONDONO, CHIEF OF THE FOREIGN MINISTRY'S FRONTIER DIVISION
CALLED ON THE AMBASSADOR. POLL COUNSELOR WAS ALSO PRESENT AT MEETING.

2. LONDONO TOLD THE AMBASSADOR THAT THE FOREIGN MINISTER FOUND
"UNACCEPTABLE" THE TWO REFERENCES IN THE FIRST PARR OF THE NOTE
TO THE EFFECT THAT THE THOMSON-URRUTIA TREATY WILL REMAIN IN
FORCE, AND THAT THE TRANSIT RIGHTS OF COLOMBIA WILL CONTINUE, UNTIL
DECEMBER 31, 1999. LONDONO SAID THIS WOULD IMPLY THAT THEY
WOULD NOT BE IN EFFECT AFTER THAT DATE. THE GOC WISHED TO
LEAVE THIS POINT MOOT AND AVOID ANY SUCH MENTION. LONDON WAS
THEN ADVISED THAT THE FOREIGN MINSTRY SHOULD SUGGEST CHANGES
IN THE FIRST PARA TO ADDRESS ITS CONCERN. THE AMBASSADOR ALSO
TOLD LONDONO THAT ANY SUCH NOTE FROM THE U.S. TO THE GOC WOULD
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BE A UNILATERAL NOTE TO WHICH THERE WOULD BE NO COLOMBIAN REPLY
BEYOND AN ACKNOWLEDGEMENT OF THE NOTE'S RECEIPT. LONDONO
UNDERSTOOD AND ACCEPTED THIS.

3. ON MARCH 8, COLONEL LONDONO DELIVERED TO THE EMBASSY A
NEW DRAFT OF A NOTE THE GOC DESIRED TO RECEIVE FROM THE U.S.
AN UNOFFICIAL TRANSLATION OF THIS NOTE FOLLOWS:

"MR. MINISTER:

I HAVE THE HONOR TO INFORM YOUR EXCELLENCY OF THE UNDER-STANDING OF MY GOVERNMENT ON THE FOLLOWING SUBJECT:

A. IN THE JOINT DECLARATION SIGNED THE 24TH OF MARCH

1975 IN PANAMA CITY, THE GOVERNMENT OF PANAMA AGREED THAT ONCE THE NEW CANAL TREATY WITH THE UNITED STATES WAS SIGNED, IT WOULD BE PREPARED TO REACH AN AGREEMENT WITH THE REPUBLIC OF COLOMBIA WITH THE INTENTION OF GRANTING THE FOLLOWING BENEFITS:

1. THE TRANSIT THROUGH THE PANAMACANAL OF THE NATURAL AND INDUSTRIAL PRODUCTS OF COLOMBIA, AS WELL AS ITS MAILS, FREE FROM ANY CHARGE OR DUTY OTHER THAN THOSE WHICH ON EQUAL TERMS APPLY TO PRODUCTS AND MAILS OF THE REPUBLIC OF PANAMA.

2. COLOMBIAN NATIONALS WHO TRANSIT THE INTEROCEANIC PANAMANIAN ROUTE SHALL, UPON PRODUCTION OF PROPER PROOF OF THEIR NATIONALITY, BE EXEMPT FROM THE IMPOSITION OF TOLLS, TAXES OR PAYMENTS WHICH ARE NOT APPLICABLE TO PANAMANIAN NATIONALS.

3. THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA SHALL BE AT LIBERTY AT ALL TIMES TO TRANSPORT THROUGH THE INTEROCEANIC CANAL ITS TROOPS, SHIPS AND MATERIALS OF WARS WITHOUT PAYMENT OF ANY TOLL.

B. IN THE SAME DOCUMENT THE REPUBLIC OF COLOMBIA STATED THAT ONCE
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PANAMA HAD REACHED AN AGREEMENT WITH THE U.S. ON A NEW CANAL TREATY AND HAD EXCHANGED THE INSTRUMENTS OF RATIFICATION OF THE AGREEMENT WHICH IS REFERRED TO IN THE CITED DECLARATION, IT WOULD RENOUNCE, FROM THE MOMENT THAT THE REPUBLIC OF PANAMA ASSUMES CONTROL OF THE INTEROCEANIC PASSAGE, ALL RIGHTS GRANTED BY THE TREATY WITH RESPECT TO APPROPRIATE MATERIALS OF THE EXCLUSIVE JURISDICTION OF THE REPUBLIC OF PANAMA.

C. IN THE NOTES EXCHANGED BETWEEN THE GOVERNMENTS OF THE REPUBLICS OF COLOMBIA AND PANAMA ON NOVEMBER 30, 1977 IT WAS EXPRESSED THAT THE POINTS MADE BY THE GOVERNMENT OF COLOMBIA IN PARAGRAPH 3 OF THE CITED DECLARATION SHALL ONLY HAVE EFFECT FOLLOWING THE EXCHANGE OF INSTRUMENTS OF RATIFICATION OF THE PANAMA CANAL TREATIES AND OF THE AGREEMENT WHICH IS REFERRED TO IN PARAGRAPH 2 OF THE CITED DECLARATION, AS OF NOON PANAMA TIME DECEMBER 31, 1999

MY GOVERNMENT UNDERSTANDS THAT IN AGREEMENT WITH THE NOTES AND DECLARATIONS CITED, THE REPUBLIC OF COLOMBIA, MEANWHILE WILL CONTINUE EXERCISING IN THE PANAMA CANAL THE FOLLOWING RIGHTS:

1. THE TRANSPORTATION AT ALL TIMES THROUGH THE INTEROCEANIC CANAL OF ITS TROOPS, MATERIALS OF WAR AND SHIPS OF WAR WITHOUT

PAYMENT OF ANY DUTY TO THE U.S.

2. THE PRODUCTS OF THE SOIL AND INDUSTRY OF COLOMBIA WHICH PASS THROUGH THE CANAL, AS WELL AS THE COLOMBIAN MAILS, SHALL BE EXEMPT FROM ANY PAYMENT OR DUTY EXCEPT THOSE TO WHICH THE PRODUCTS AND MAILS OF THE U.S. MAY BE SUBJECT. ANY WORK OR MODIFICATION WHICH IS EFFECTED IN THE CANAL WILL NOT AFFECT THE ABOVE CITED RIGHTS OF THE REPUBLIC OF COLOMBIA REGARDING THE INTEROCEANIC CANAL."

4. AT THE AMBASSADOR'S INSTRUCTION, POL COUNSELOR CALLED LONDONO, EXPRESSED HIS SURPRISE AT TOTAL DEPARTURE FROM TEXT OF DEPARTMENT'S NOTE, AND GAVE AS HIS UNOFFICIAL OPINION THAT SUCH A NOTE WOULD, EVEN IF ACCEPTABLE TO THE U.S., ENTAIL A

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CONSIDERABLE DELAY IN OBTAINING THE DEPARTMENT'S APPROVAL OR COMMENTS. IN VIEW OF THE FOREIGN MINISTER'S DESIRE FOR SPEED IN THIS MATTER, IT WOULD BE DESIRABLE IF THE COLOMBIANS WOULD PROPOSE A TEXT WHICH ADHERED MORE CLOSELY TO THE CONTENT AND SPIRIT OF THE DEPARTMENT'S PROPOSED NOTE. ON THE MORNING OF MARCH 10, LONDONO SENT A NEW COLOMBIAN DRAFT NOTE TO THE EMBASSY. UNOFFICIAL TRANSLATION OF TEXT FOLLOWS:

"MR. MINISTER:

I HAVE THE HONOR TO INFORM YOUR EXCELLENCY THAT THE POSITION OF MY GOVERNMENT IS THAT, IN ACCORDANCE WITH THE TERMS OF THE TREATY CONCERNING THE PERMANENT NEUTRALITY AND OPERATION OF THE PANAMA CANAL AND THOSE OF THE JOINT DECLARATION SIGNED MARCH 24, 1977, IN PANAMA CITY, THE REPUBLIC OF COLOMBIA WILL CONTINUE TO EXERCISE DURING THE LIFE OF SAID TREATY AND UNTIL

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ACTION ARA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
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TO SECSTATE WASHDC NIACT IMMEDIATE 6837
INFO AMEMBASSY PANAMA

C O N F I D E N T I A L SECTION 2 OF 2 BOGOTA 2335

FOR: DAVID COX ARA/AND

THE ENTRY INFO FORCE OF THE AGREEMENT REFERRED TO IN THE NOTES
EXCHANGED BY THE GOVERNMENTS OF COLOMBIA AND PANAMA ON NOVEMBER
30, 1977, THE FOLLOWING RIGHTS IN REGARD TO THE INTEROCEANIC
PASSAGE:

1. THE TRANSPORTATION AT ALL TIMES THROUGH THE INTER-
OCEANIC CANAL OF ITS TROOPS, MATERIALS OF WAR AND SHIPS OF WAR
WITHOUT PAYING ANY DUTY TO THE UNITED STATES.
2. THE PRODUCTS OF THE SOIL AND THE INDUSTRY OF COLOMBIA
WHICH PASS THROUGH THE CANAL, AS WELL AS THE COLOMBIAN MAILS,
WILL BE EXEMPT FROM ALL PAYMENTS OR DUTIES, OTHER THAN THOSE
TO WHICH THE PRODUCTS AND MAILS OF THE UNITED STATES MAY BE
SUBJECT. ANY WORKS OR MODIFICATION WHICH MAY BE EFFECTED IN THE
CANAL WILL NOT AFFECT THE ABOVE CITED RIGHTS OF THE REPUBLIC OF
THE GOVERNMENT OF COLOMBIA IN REGARD TO THE INTEROCEANIC CANAL."

5. LONDONO CALLED POL COUNSELOR MARCH 10 ABOUT THIS LAST NOTE
AND CONVEYED THE FOLLOWING POINTS FROM FOREIGN MINISTER LIEVANO:
THIS DRAFT NOTE WOULD BE THE LAST THAT THE FOREIGN MINISTER
WOULD SEND TO THE EMBASSY. THE FOREIGN MINISTER WOULD LIKE A
FAVORABLE RESPONSE TO THIS NOTE AS SOON AS POSSIBLE, SPECIFICALLY
NOT LATER THAN MONDAY, MARCH 13. IN THE ABSENCE OF A REPLY BY
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MARCH 13, THE FOREIGN MINISTER WOULD CABLE INSTRUCTIONS TO THE
COLOMBIAN EMBASSY IN WASHINGTON. LONDONO COULD GIVE NO INKLING
AS TO THE CONTENT OF THESE INSTRUCTIONS, EXCEPT THAT THE FOREIGN
MINISTER HAD MENTIONED THEM IN CONNECTION WITH THE ANTICIPATED
SENATE VOTE ON MARCH 16 ON THE TREATY ON THE PERMANENT NEUTRALITY
AND OPERATION OF THE PANAMA CANAL.

6. COMMENT: THERE IS AN IMPLIED THREAT IN LIEVANO'S REMARKS,
AS CONVEYED BY LONDONO, THAT THE GOC MIGHT MAKE SOME DIRECT
MOVE IN WASHINGTON TO PROTECT WHAT IT PERCEIVES AS ITS INTERESTS
IN THE CANAL. LIEVANO MAY BE MOTIVATED, AT LEAST IN PART, BY
PUBLIC CRITICISMS FROM OPPOSITION CONSERVATIVES THAT PRESIDENT
LOPEZ HAS RENOUNCED COLOMBIA'S RIGHTS IN THE CANAL. ALTHOUGH
SUCH CHARGES HAVE NOT BEEN VOICED PUBLICALLY FOR SOME MONTHS,
LOPEZ AND LIEVANO MIGHT WELL STILL BE REACTING TO THEM. IT SEEMS
DOUBTFUL THAT THE GOC WOULD DEPART FROM THE DISCREET CHANNEL IT
HAS THUS FAR EMPLOYED IN ORDER TO PROTECT ITS PERCEIVED INTERESTS,

ALTHOUGH THIS CANNOT BE COMPLETELY EXCLUDED.

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